

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN BROWN,)	
)	
Plaintiff,)	4:03cv3369
)	
vs.)	MEMORANDUM AND ORDER
)	(appeal)
MEDICAL DEPARTMENT, et al.,)	
)	
Defendants.)	

In filing no. 55, the court's Memorandum and Order assessing the appellate filing fees for the appeal by the plaintiff, Marvin Brown, a prisoner, the court directed the Clerk of Court to request the necessary inmate trust account information from the appropriate officer at the plaintiff's institution. The court further stated in filing no. 55 that upon receipt of the trust account information, the court would calculate the initial partial appellate filing fee, notify the plaintiff and the plaintiff's institution accordingly, and process the appeal to the Eighth Circuit Court of Appeals. The Clerk of Court has obtained the plaintiff's inmate trust account information (filing no. 58), and the plaintiff's initial partial appellate filing fee is \$14.75.

In filing no. 59, the plaintiff asks the court to reduce the monthly payments withdrawn from his inmate trust account to pay his filing fee. However, the payment formula is established by Congress, and the court has no discretion, even in the circumstances indicated by the plaintiff, i.e., hardship to the plaintiff's family. Therefore, filing no. 59 must be denied.

THEREFORE, IT IS ORDERED:

1. That filing no. 59, the plaintiff's Motion for Reduction of Court Fees, is denied;

2. That, pursuant to Fed. R. App. P. 24(a)(3), the plaintiff may continue to proceed in forma pauperis on appeal, and his initial partial appellate filing fee is \$14.75;

3. That the Clerk of Court shall notify the plaintiff, the plaintiff's institution, and the Eighth Circuit Court of Appeals accordingly by sending them a copy of this Memorandum and Order and filing no. 55; and

3. That the Clerk shall process the appeal to the Eighth Circuit Court of Appeals.

DATED this 23rd day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge